

Serial No. 10/803,729
Attorney Docket No. 100041-41193
Amendment and RCE

REMARKS

Claim 18 has been amended.

Claims 1-4, 7-14, 16-22, 25-32 and 34-38 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Attachments A and B of Applicants' Information Disclosure Statement in view of U.S. Pub. No. 2002/0113426 to Lang.

Attachment A discloses a three subject notebook having a pair of covers and a plurality of sheets of paper bound together with a twin-wire binding mechanism. A twin-wire guard is attached to the covers and generally covers an exposed portion of the twin-wire binding mechanism. Attachment A does not disclose the use of a helical binding coil.

Attachment B discloses a VIEW-TABTM notebook similarly having a pair of covers and a plurality of sheets bound together with a twin-wire binding mechanism. A twin-wire guard is attached to the covers and generally covers an exposed portion of the twin-wire binding mechanism. Attachment B does not disclose the use of a helical binding coil.

The Lang reference discloses a scuba checklist bound with a helical binding coil. The Lang reference does not teach or suggest the use of a coil guard that generally covers an exposed portion of the helical binding coil.

The Examiner asserts that it would have been obvious to one of ordinary skill in the art to substitute the twin-wire binding mechanism of Attachments A and B with the helical binding coil taught by the Lang reference because helical binding coils are art-recognized equivalents of twin-wire binding mechanisms. However, for the reasons outlined below, Applicants respectfully traverse the Examiner's rejection and submit the proposed combination is not obvious.

In particular, substituting a helical binding coil for a twin-wire binding mechanism causes significant changes in assembly, and the presence of the coil guard of the binder of Attachments A and B make the use of a helical binding coil particularly difficult and non-obvious. As noted at paragraphs 3 and 23 of the specification of this application, due to the continuous helical structure of helical binding coils, a notebook having a helical binding coil and a coil guard is

more advantageous than a notebook having a twin-wire binding mechanism since the problem of sheets becoming separated from the binding element is alleviated when a helical binding coil is used. Furthermore, a notebook having a helical binding coil and a coil guard is more complex and difficult to assemble than a notebook having a twin-wire binding mechanism and a coil guard. For example, in its normal position, the coil guard blocks access to the openings of the pages through which the helical binding coil must be placed. Accordingly, in order to wind the helical binding coil through the pages, the notebook must be moved to its configuration shown in Fig. 5 (i.e., the plurality of sheets of paper are positioned adjacent to the back cover such that the back cover is positioned between the plurality of sheets of paper and the front cover and the coil guard is positioned between the front cover and the back cover such that the plurality of openings of the front cover, the back cover, and the plurality of sheets of paper are aligned) and the helical binding coil must be wound through the bound pages in the manner of a corkscrew, as noted at paragraph 24 of the specification.

Existing machinery can be used to wind a helical binding coil through a stack of aligned, flat pages. However, due to the precise alignment of holes that is required and winding nature of assembly which can cause shifting or displacement of the pages during winding operations, the stack of pages to be bound must be held rigidly in place. The bound pages are rigidly held in place by a clamping assembly. However, in order for the clamping assembly to operate properly, the stack of pages to be bound must be aligned and stacked flat.

When the notebook of the present invention is in the configuration shown in Fig. 5 for receiving the helical binding coil, the pages and covers of the notebook do not lay in a flat and neat stack. Instead, the folded coil guard provides a non-uniform thickness to the stack. Thus, when the clamping assembly of an automated winder is attempted to be used, the stack warps and buckles, thereby making it impractical to wind the helical binding coil through the binding openings. In fact, Applicants have been unable to successfully utilize automated winding machinery to assemble its notebook in this manner.

In contrast, a twin-wire binding mechanism (such as that of Attachments A and B) need

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not be wound and instead can be passed through all the openings of the bound pages simultaneously and can be installed by existing automated machinery as disclosed at paragraph 4 of the specification of this application.

Accordingly, it is not a simple matter of substituting a twin-wire binding mechanism with a helical binding coil, as is advanced in the Office action. Instead, a change from one form of binding mechanism to another results in great changes in manufacturing and assembly. Although it is appreciated that the Lang reference appears to indicate that spiral bindings are well known, the Lang reference does not explicitly suggest the use of a spiral binding in a notebook with a binder guard. Instead, as noted above, the proposed modification presents significant challenges due to the presence of the coil guard.

Accordingly, Applicants submit that the coil bound notebook claimed in the present application is not obvious over the notebook of Attachments A and B in view of the Lang reference. The patentability of the invention is submitted to be particularly apparent with respect to the method of claims 18-38.

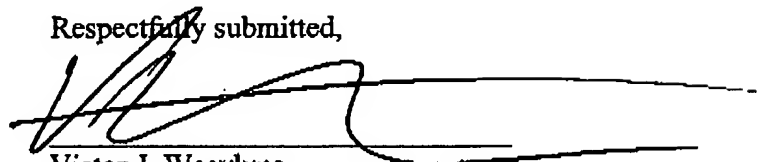
Dependent claims 5, 6, 23 and 24 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Attachments A and B in view of the Lang reference and further in view of U.S. Pub. No. 2003/0021624 to Dorsey, and claims 15 and 33 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Attachments A and B in view of the Lang reference and further in view of U.S. Patent No. 6,612,771 to Su. Because the independent claims are submitted to be allowable, Applicants submit that claims 5, 6, 15, 23, 24 and 33 are also not obvious in light of the cited art.

In light of the foregoing, the Examiner's rejections of claims 1-38 under 35 U.S.C. § 103(a) are respectfully traversed. Accordingly, it is submitted that the application is in condition for allowance and formal notice thereof is respectfully requested.

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Applicants hereby authorize the Commissioner under 37 C.F.R. § 1.136(a)(3) to treat any paper that is filed in this application, which requires an extension of time, as incorporating a request for such an extension. The Commissioner is authorized to charge any additional fees required by this paper or to credit any overpayment to Deposit Account No. 20-0809.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Victor J. Wasylyna', is written over a horizontal line.

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